

1 COOLEY LLP
BOBBY GHAJAR (198719)
2 (bghajar@cooley.com)
TERESA MICHAUD (296329)
3 (tmichaud@cooley.com)
COLETTE GHAZARIAN (322235)
4 (cghazarian@cooley.com)
1333 2nd Street, Suite 400
5 Santa Monica, California 90401
Telephone: (310) 883-6400
6
MARK WEINSTEIN (193043)
7 (mweinstein@cooley.com)
KATHLEEN HARTNETT (314267)
8 (khartnett@cooley.com)
JUDD LAUTER (290945)
9 (jlauter@cooley.com)
ELIZABETH L. STAMESHKIN (260865)
10 (lstameshkin@cooley.com)
3175 Hanover Street
11 Palo Alto, CA 94304-1130
Telephone: (650) 843-5000
12
CLEARY GOTTlieb STEEN & HAMILTON LLP
ANGELA L. DUNNING (212047)
13 (adunning@cgsh.com)
1841 Page Mill Road, Suite 250
14 Palo Alto, CA 94304
Telephone: (650) 815-4131
15

16 *Counsel for Defendant Meta Platforms, Inc.*

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 RICHARD KADREY, *et al.*,
21 Individual and Representative Plaintiffs,
22 v.
23 META PLATFORMS, INC., a Delaware
24 corporation;
25 Defendant.

Case No. 3:23-cv-03417-VC-TSH

**DECLARATION OF KATHLEEN HARTNETT
IN SUPPORT OF META'S OPPOSITION TO
PLAINTIFFS' LETTER BRIEF REGARDING
THE DEPOSITION OF SY CHOUDHURY**

1 I, Kathleen Hartnett, hereby declare:

2 1. I am a Partner at Cooley LLP and am a member in good standing of the state bars
3 of California, New York, and the District of Columbia. I am outside counsel for Meta Platforms,
4 Inc. (“Meta”) in this litigation.

5 2. The contents of this declaration are based on my personal knowledge and if called
6 as a witness, would testify to the matters contained herein.

7 3. I defended the deposition of Mr. Sy Choudhury in his 30(b)(1) and 30(b)(6)
8 capacities. During the 30(b)(1) portion of Mr. Choudhury’s deposition, Plaintiffs’ counsel
9 introduced Exhibit 862 which was a document entitled “LLaMA – A New Industry Platform,” with
10 the Bates label Meta_Kadrey_00093499-00093513.00016. When counsel turned to page 00093506
11 of the Exhibit 862, I immediately requested that the document be clawed back. Plaintiffs’ counsel
12 stopped questioning on that portion of the document, and I allowed Plaintiffs’ counsel to continue
13 his questioning on the other, non-privileged portions of the document.

14 4. After the deposition, I investigated the circumstances of the production of Exhibit
15 862. I determined that upon initial review of the document, the redaction of this portion of the
16 document was inadvertently missed in Meta’s privilege review. Additional versions of this
17 document were produced, and because the redaction was missed in that first version of the
18 document, the inadvertent error was replicated across the other four versions of the document that
19 were produced.

20 5. Meta did not intentionally produce this information. The deposition of Mr.
21 Choudhury was the first use of any version of the document marked Exhibit 862 in a deposition or
22 in any other context in this matter, and I, as Meta’s counsel, immediately clawed it back.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

25 Executed in Oakland, California on this 12th day of December, 2024.

26
27 /s/ Kathleen Hartnett
28 Kathleen Hartnett